



MyNetworkTV

July 9, 2013

Ms. Marlene H. Dortch
Secretary, Federal Communications Commission
445 12th Street, SW, Washington, DC 20554

VIA ELECTRONIC COMMENT FILING SYSTEM

Dear Ms. Dortch;

Fireweed Communications LLC and Mr. Jeremy Lansman hereby submit informal comments in proceeding 12-187 and in the request for consent to assignment in media bureau file numbers BALTVL-20120125AAK and BALCDT-20130125ABD. We believe that these included comments raise significant public interest issues.

In its filing of 07/02/2013, General Communication, Inc., Alaska Communications Systems and Alaska Wireless Network, submitted a document titled, EXHIBIT L Commercially Sensitive Information Policies and Procedures. The document appears to be an amendment to its operating agreement such that internal policies and controls within AWN might better protect competition between GCI and ACS.

As we have pointed out in our previous filings, GCI has filed applications for consent to assignment of the licenses of certain Alaskan television broadcast stations. Indeed, we believe our standing to file a petition in this proceeding derived from GCI's intention to compete directly with petitioner.

We describe digital terrestrial television as a transmission of a digital bit stream not unlike those sent via other platforms, such as cellular, cable, or satellite. When the various streams are a simulcast, it is clear that the various platforms are in competition. Studies show that more and more viewing is simulcast viewing on various devices. We continue to see study after study documenting migration of live stream video viewing to

mobile devices, increasingly via cellular broadband¹. This was the basis of our claim that the captioned applications should be considered in a combined proceeding.

Protection to competition was a factor in the Comcast NBCU merger.

To address these transaction-related concerns, the Applicants have offered a number of voluntary commitments. The Applicants have agreed that, in their provision of broadband Internet access services, neither Comcast nor Comcast-NBCU shall prioritize affiliated Internet content over unaffiliated Internet content.² In addition, any Comcast or Comcast-NBCU broadband Internet access service offering that involves caps, tiers, metering, or other usage-based pricing shall not treat affiliated network traffic differently from unaffiliated network traffic. broadband Internet access service offering that involves caps, tiers, metering, or other usage-based pricing shall not treat affiliated network traffic differently from unaffiliated network traffic.³

In the recent ACS GCI AWN submission we find no protections to competition in distribution of non affiliated content. The need becomes far more starkly clear in light of allegations made in the broadcast license transfer proceeding. According to the declaration of Mr. Scott Centers⁴, Mr. William C. Behnke, Senior Vice President, Strategic Initiatives, GCI said

“Mr. Behnke discussed GCI's motivation in acquiring a television station, indicating that GCI was not concerned about profitability of the station itself, but was interested in obtaining a unique asset that GCI could use to enhance GCI's business presence in Alaska, including by increasing the number of subscribers to its cable television systems.”

GCI's did not disown this statement in its opposition. The statement stands as a stark proclamation of GCI's intentions to use its anticipated broadcast holdings for anti competitive purposes.

The commission has an obligation under 47 USC § 257 - Market entry barriers proceeding to

“...to promote the policies and purposes of this chapter favoring diversity of media voices, vigorous economic competition, technological advancement, and promotion of the public interest, convenience, and necessity. “

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- 1 For example see <http://www.ooyala.com/> Global Trends in Video Viewership, “Ooyala’s Q113 Global Video Index reveals the key trends that are fundamentally transforming linear television into an online, mobile experience.” A news report on this paper can be found at <http://www.streamingmedia.com/Articles/News/Online-Video-News/Ooyala-Report-Charts-the-Rise-of-Mobile-Viewing-Live-Video-90397.aspx>
 - 2 Letter from Kathy A. Zachem, Vice President, Regulatory and State Legislative Affairs for Comcast Corporation, to Marlene H. Dortch, Secretary, FCC (Jan. 17, 2011).
 - 3 Paragraph 94, Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. For Consent to Assign Licenses and Transfer Control of Licensees” Adopted January 28, 2011.
 - 4 Appendix D, Petition to Deny of Alaska Broadcasters, dated March 1, 2013, BALTVL-20120125AAK, BALCDT-20130125ABD.
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Small market barriers loom larger if viewed by a small company. We request strict scrutiny of the anti-competitive aspects of this proposed transaction. In Comcast, service offerings involving caps, tiers, metering, or other usage-based pricing were not allowed to treat affiliated network traffic differently from unaffiliated network traffic.⁵ The same requirement should be set here.

The chair of AWN will be a member of the board of GCI. To date, we see nothing in the record that gives us confidence GCI, via AWN, will not use its new market powers to abuse competition.

Signed by

Jeremy Lansman
Member, Fireweed Communications LLC

See copy of Alaska Broadcasters Petition to Deny, Opposition to the Petition to Deny, and Reply to the Opposition uploaded.

⁵ Ibid FN 3

SERVICE LIST

Wireless parties
Via ECFS

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